



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



October 10, 2003

Mr. David G. Parenteau
150 Woodman Road
Sanbornton, New Hampshire 03269

CERTIFIED MAIL (7099 3400 0003 0687 3353)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION

RE: Non-Conforming Open Burning

Dear Mr. Parenteau:

On June 5, 2003, the Lakes Region Dispatch notified the New Hampshire Department of Environmental Services, Air Resources Division ("DES") that the Sanbornton Fire Department ("SFD") had observed a quantity of demolition debris, electric light fixtures and possibly asbestos containing siding in burn piles located at 150 Woodman Road, Sanbornton, NH (the "Property"). Mr. David G. Parenteau, the owner of the Property, had burned some debris left over from the recent demolition of an old two-car garage located on the Property.

On June 6, 2003, DES and SFD personnel met with you at the Property to conduct an inspection in order to determine conformance with the N.H. Code of Administrative Rules, Env-A 100 *et seq.*, specifically, Env-A 1000, *Prevention, Abatement, and Control of Open Source Air Pollution*, Env-A 1800, *Asbestos Management and Control*, and RSA 125-C. DES personnel observed and photographed four separate burn piles. Non-conforming material, including charred metals, charred painted wood and plywood, melted plastic, roofing paper, a charred porcelain toilet and suspected asbestos containing material ("ACM") was seen in the burn piles. DES personnel took seven samples of suspected ACM from the burn piles for laboratory analysis.

On June 18, 2003, Able Artisans, a licensed asbestos abatement contractor, arrived on the Property to begin removal of the ash from the burn piles. Rather than conducting tests on the ash to determine the presence of ACM, it was decided to treat all of the ash as being potentially contaminated. Removal of the ash was accomplished utilizing wet removal methods. The ash was placed in lined containers and removed from the Property.

On August 21, 2003, DES personnel again visited the Property to confirm that the Property had been properly cleaned. As a result of the initial inspection and information gathered, DES has determined that violations had occurred.

The purpose of this letter is to notify you of the violations discovered, as well as the requirements surrounding both open burning and demolition activities, so that you can prevent future violations. The specific violations are as follows:

- Env-A 1001.05 outlines the type of burning that is permissible without authorization from DES. Specifically, Env-A 1001.05 (d) allows periodic on-site burning by the landowner of brush, leaves and untreated wood from the construction or demolition of a building, provided the material originates on-site. The burning of materials other than brush and untreated wood is a violation of Env-A 1000.

- Env-A 101.54 defines "brush" as tree tops, limbs, saplings and tree cuttings that are five inches in diameter or less.

Env-A 101.286 defines "untreated wood" as any timber, board or sawn dimensional lumber, which has not been treated, coated or preserved.

- Env-A 1803.03 requires that each facility operator shall provide written notification to DES, the EPA Regional office, and to the town health officer at least ten working days before any demolition activity begins. This notification shall be required regardless of the amount of ACM, if any, that is contained in the facility.
- Env-A 1804.01 requires that prior to undertaking any demolition or renovation each facility operator shall provide for an inspection, by a competent person, of the affected portion of the facility for the presence of ACM.

Since the burning of non-conforming materials has ceased, and the ash was properly disposed of, DES believes that no further action is required at this time in response to the listed violations. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Joseph Ritz at (603) 271-1391, Air Resources Division, Compliance Bureau. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.state.nh.us/ard/arrules.htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,

COPY

Pamela G. Monroe

Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enclosure: Env-A 1001, *Open Burning*
Env-A 1800, *Asbestos Management and Control*

cc: M. Harbaugh, DES Legal Unit
R. Kurowski, EPA Region 1
P. Dascoulas, Chairman, Sanbornton Board of Selectmen
J. Busby, Chief, Sanbornton Fire Dept.
C. McGary, NHDES-WMD
AFS # 330019777